

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 2277 of 1996
With
SPECIAL CIVIL APPLICATION No. 2273 of 1996
With
SPECIAL CIVIL APPLICATION No. 3801 of 1996

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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- 1 Whether Reporters of Local Papers may be allowed to see the judgment ?
 - 2 To be referred to the Reporter or not ?
 - 3 Whether their Lordships wish to see the fair copy of the judgment ?
 - 4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?
 - 5 Whether it is to be circulated to the civil judge ?

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BRAHMANI MARBLES C/O LALITKUMAR AMRUTLAL - Petitioner(s)
Versus
GUJARAT INDUSTRIAL DEVELOPMENT CORPORATION & 2 - Respondent(s)

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Appearance :

MR AJ SHASTRI for Petitioner(s) : 1,
M/S TRIVEDI & GUPTA for Respondent(s) : 1,
NOTICE SERVED BY DS for Respondent(s) : 2 - 3.

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 01/12/2005

COMMON ORAL JUDGMENT

1. As the common question of law and facts arise in

these three petitions, the same are being disposed of by this common order.

2. It is the contention on behalf of the petitioners that the petitioners came to be allotted the plots in question in GIDC, Ambaji and impugned the orders came to be passed cancelling the allotment of the plots in question by GIDC. It is the contention on behalf of the respective petitioners that the impugned order came to be passed without giving any opportunity of being heard. The aforesaid position is not disputed by Shri Kunan Naik, learned advocate appearing for M/s Trivedi and Gupta, learned advocate for the respondents. The petitioners are already protected pursuant to the interim orders passed by this Court while admitting the present Special Civil Applications and that is how they are in possession of the plots in question. Considering the fact that the impugned orders came to be passed without giving an opportunity of being heard to the petitioners, the same are in breach of principle of natural justice and only on that ground the present Special Civil Applications are required

to be allowed and the impugned orders are required to be quashed and set aside, however, it will be open for the respondents to take an action in accordance with law and on merits after giving an opportunity of hearing to the petitioners.

3. However, it is made clear that this Court has not expressed any opinion on merits of the case and the impugned orders are set aside only on the ground that they are in breach of principles of natural justice.

4. For the reasons stated above, all three petitions succeed. The impugned orders in the respective petition passed by the respondents canceling the allotment of plots are hereby quashed and set aside the matters are remanded to the respondent for passing the order afresh in accordance with law and on merits and after giving an opportunity of being heard to the petitioners. Such an exercise is to be done within a period of six months from the date of receipt of this order.

5. Rule is made absolute to the aforesaid extent in each petition. However, there will be no order as to costs.

Direct Service is permitted.

[M.R.Shah, J.]

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